

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

01-CR-6001L
01-CR-6002L
01-CR-6078L

v.

ANTHONY F. LEONARDO, JR.,

Defendant.

Subsequent to the Summary Order of the United States Court of Appeals for the Second Circuit, the Government moved, on February 25, 2008 (Dkt. #125 in 01-CR-6001L; Dkt. #161 in 01-CR-6002L; Dkt. #36 in 01-CR-6078L) for an order declaring the plea agreement void, and for other relief.

Defendant must respond to the motion by March 19, 2008. In that response, defendant must indicate whether he disputes the Government's contention that the plea agreement was breached. If defendant believes that there was no breach, he must indicate why that is so.

If there is an agreement that the plea agreement has been breached, the Court will make that finding and then establish a schedule for resentencing and for the filing of sentencing memoranda.

I see no need for the preparation of a new Presentence Report ("PSR"). By copy of this Order, though, I ask the Probation Office to contact the institutions to which defendant has been assigned and supplement the original PSR with any additional positive or negative matters that have occurred during defendant's incarceration.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
March 3, 2008.